

03500.005745.36

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application)	
of U.S. Patent No. 5,661,362	:	Examiner: M. Santiago
)	
SEISHIRO YOSHIOKA ET AL.	:	
)	Group Art Unit: 2879
Appln No.: 09/384,326	:	
)	
Filed: August 26, 1999	:	
)	
For: FLAT PANEL DISPLAY	:	
INCLUDING ELECTRON)	
EMITTING DEVICE	:	

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL REISSUE DECLARATION
FOR REISSUE PATENT APPLICATION (37 C.F.R. 1.175)

Sir:

As a below named inventor, I hereby declare and say that:

1. I believe that I am one of the original, first and joint inventors of the subject matter which is claimed in the subject reissue application and for which a reissue patent is sought on the invention entitled FLAT PANEL DISPLAY INCLUDING ELECTRON EMITTING DEVICE, the specification of which was filed on August 26, 1999 as U.S. Reissue Application No. 09/384,326, and amended on various dates including October 10, 2000, October 20, 2002, March 28, 2001, April 26, 2001, January 17, 2002,

June 13, 2002, August 21, 2002, May 6, 2003, October 17, 2003, August 19, 2004, and August 31, 2004.

2. I have reviewed and understand the contents of the above-identified reissue application, including the claims.

3. I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

4. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application, which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Japan	62-174837	July 15, 1987	Yes
Japan	62-250448	October 2, 1987	Yes
Japan	62-255063	October 9, 1987	Yes
Japan	62-255068	October 9, 1987	Yes
Japan	63-102485	April 27, 1988	Yes
Japan	63-102486	April 27, 1988	Yes
Japan	63-102487	April 27, 1988	Yes
Japan	63-102488	April 27, 1988	Yes
Japan	63-154516	June 21, 1988	Yes

5. I believe that our original U.S. Patent 5,661,362 is partly inoperative by reason of our having claimed less than we had the right to claim in the patent; specifically, one of the errors in our original U.S. Patent 5,661,362 is that original Claim 1 recites a narrower aspect of our invention, particularly, a display device comprising an electron-emitting device wherein fine particles are dispersed within a semiconductor or on the semiconductor, but does not provide protection for a broader aspect of our invention not necessarily requiring fine particles. Such a broader aspect of our invention is now set forth in, for example, Claim 56, which recites a display apparatus in which each electron emission element includes an electron-emission layer having an electron emission region containing an electrical discontinuity. Claim 56, which has been added in this reissue application, is broader in at least one respect relative to original patent Claim 1 because Claim 56 does not necessarily require fine particles dispersed within a semiconductor or on the semiconductor. Accordingly, Claim 56 should be included in our patent.

During the prosecution of U.S. Patent Application No. 08/657,385, which matured into the above-identified U.S. Patent, and during the prosecution of the parents of U.S. Patent Application No. 08/657,385, I did not appreciate that the subject matter of Claim 56 could have been presented for examination. After that patent issued, it was noticed by an official of the Intellectual Property Department of Canon Kabushiki Kaisha, the assignee of the entire interest in the patent, that the invention as defined in Claim 56 could and should have been claimed by the inventors.

Accordingly, I believe that the failure of our U.S. Patent 5,661,362 to provide adequate protection for the broader aspect of our invention discussed above and set forth in the added reissue Claim 56, renders the patent partly inoperative for the reason that we claimed less than we had the right to claim in the patent.

6. I hereby declare and say that every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on my part.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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